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by

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The Implication of the Concept of the French State-Nation and "Patrie" for French Discourses on (Maghrebi) Immigration

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COPRI**

The purpose of this article is to explore the relationship between on the one hand the concepts of the French political state-nation and "patrie" (country), and on the other hand the various discourses on Maghrebi immigration. I will argue that the above-mentioned concepts are the building blocks for what can be said and not said with regard to Maghrebi immigration. The concepts are always present in the discourses on immigration, because immigration is about "who we are". I will therefore analyze how the concepts of nation, state and "patrie" constitute the "deep structure" of all discourses on immigration. This implies furthermore an analysis of how the various possibilities of relational structures limit what it is possible to say and do or rather what is the least impossible.

The article proceeds in three parts. The first analyses the relationship between the concept of the political nation, state and "patrie". The second part analyses how the above-mentioned concepts relate and frame the different discourses. The last part discusses to which extent immigration has been "securitized" (i.e. being perceived as a security threat to identity).¹

The Concept of State-Nation

The 1789 revolution was an uprising by the nation against the royal state. Overnight the revolutionaries seized the state of *l'Ancien Régime* and transferred the concept of sovereignty from the monarch to the nation. In that moment the nation was elevated to the condition of statehood. The nation became a state and the state became the embodiment of the nation. The two concepts became totally fused.

"The revolution, and the republic which grew out of 1789, shed light upon the French concept of the nation. This is a political notion because the nation perceives of itself as a body of citizens. The concept of nation is based on the idea of the social contract between the individual citizen and the state-nation, where every citizen is a part of a whole in a universal perspective. This means that every individual can become a citizen in France, or elsewhere, if he agrees to enter into this political and social contract. A nation that bases its existence on a contractual and universal concept

¹The notion "securitization" is explained in the section "*Securitization*" of *Migration*.

is a political nation. Only the political nation is able to create the political identity of one people thus preventing the interests of the individual from controlling society. Without a common will, there is no nation. Without a voluntary contract, there is no nation. The nation is open to all those who wish to join this political project and the French nation respects similar projects of other nations. Together with those nations, the French nation will build up the universal principle of freedom."

This declaration comes neither from abbé Sièyes, the theorist of the importance of the Third Estate, nor from Rousseau, but from the then Socialist Minister of Defense, Jean-Pierre Chevènement, who wrote the above words in 1988 in the Socialist periodical *République*. The words are in line with republican Jacobinism. Characteristic of Jacobin theory, as it developed during the Revolution, is the emphasis on 1) indivisible national sovereignty, 2) the role of the state as a transformer of society, 3) administrative centralization, 4) the equality of citizens which is to be secured through equal legal rights, and 5) uniform education for individuals to ensure a uniform political concept of the citizen.

The necessity of upholding a powerful state and an indivisible, sovereign, and public authority thus is supposed to prevent the nation from fragmentation into particular interests. The idea of the active citizen who *is* the nation cannot exist without the strong state. The state thus becomes the guarantor of the national political identity. The unification of state and nation implies that the citizens endorse the same set of political values. They constitute a uniform mass. This revolutionary concept of citizen heralded the transition from a society which rested on differences in privilege, to a contractual society which exists between the state and the nation where the individual is no longer at the mercy of destiny but can shape his or her own future based on deliberate and voluntary support of a legal society. The individual choice of a national citizenry, therefore has nothing to do with ethnic, cultural or biological criteria. It is a choice determined by will expressed in the famous word of Ernest Renan: "The existence of a nation is a daily plebiscite" (1882).

Due to the concept of individual universalism, France is proud to be able to turn foreigners/immigrants into citizens. Basques, Corsicans, Bretons, Algerians, Tunisians and so forth are not considered as minorities. It is therefore a revolt against the ideals of the 1789 Revolution to give specific rights to ethnic or religious groups. If the immigrant actively and individually chooses to become a citizen in the political state-nation he will be French on a par with the French who have been living for generations on French soil. His or her national sentiments are not judged by ethnic and religious criteria. The "ethnic" citizen does not exist or rather does not have to exist. This means that in the Jacobin conception of state-nation there is a great mistrust of the "right to difference".

This is the ideal concept of the political state-nation, but this concept is linked to another concept, that of "patrie" (country), which makes the relation between politics, nationality and emotional affiliation much more complex.

"Patrie": a Culturally Defined Concept

Beneath the overarching political concept of the citizen, a time-bomb is ticking in the form of the culturally defined concept of "patrie" that is in opposition to the political concept of nation, but linked to it. This concept has survived since the Revolution. It

has been manifest primarily in the regionalist movements, amongst the right-wing intellectuals, and Catholic fundamentalists. But also important historians from the 19th century very often refer to the concept of "patrie" as a constitutive element in the political nation. This concept posits as "nodal point" the non-institutionalized affiliation of a particular group to defined territory on the basis of common history, habits, language, culture and religion. The concept relates to a deep, trans-historical and organicist concept of a community. The "patrie" thus exists before the birth of the individual. It is eternal and it links the past with the present and the future. The individuals feel equal because they are unified in a common community and speak the same language. To generate true patriotism, the political ideal of the republic has to be absorbed within the spiritual unity of the nation; the love of country preached by republican thinkers is translated into a different love: love of one's own culture, one's own language, one's own religion (Viroli, 1995:139). The rational "I think" is thus replaced with the mystical, "it thinks in me", as the French philosopher A. Finkielkraut wrote in 1987 when attacking the German organic concept of nation which he rejects – as he wrote – because it fosters exclusion of the foreigner (Finkielkraut, 1987). But the problem of Finkielkraut's reading of Renan is that he only reflects on Ernest Renan's statement about the existence of a nation as a daily plebiscite. He does not discuss the organic concept that is inherent in Renan's definition of a nation.

Finkielkraut's "reading" of Renan has been seriously challenged by other readings (Safran, 1991; Silverman, 1992; Roman, 1992; Hermet, 1996) which underline the importance of the concept of a spiritual common past and tradition which is evident in Renan's lecture at Sorbonne in 1882 entitled "Qu'est-ce qu'une nation". In this lecture Renan spoke about "the nation as a soul, and as a spiritual principle".² The readings of the above-mentioned writers showed that the notion of the political nation never since the revolution has "lived" alone as a pure political concept. The concept of the political nation and "patrie" are bound together where the political nation is the core concept and "patrie" the sub-concept keeping each other in check. The concept of "patrie" is similar to the concept of German Kulturnation, but tied as it is to the concept of the political nation it prevents French identity from being defined solely along the lines of culture. The "earth" is assured by "patrie" but is held in check by the political nation that for its part ensures an ideal political dimension because it does not need to relate to "the earth". The three concepts, state, nation and "patrie" are thus "bound in a marriage with firmly defined roles. The "patrie" and the nation call upon each other either lovingly or hatefully. The state and the nation are inseparable whereas the state as an institution and the "patrie" have nothing to do with each other" (Peloille, 1983:106).

Since the mid-1980s the relationship between the three concepts has been challenged by different discourses of groups of migrants and of the so-called second

² In the words of Ernest Renan, in his classic lecture "Qu'est-ce qu'une nation?": A nation is a sentiment, a spiritual principle which is based on two things: One is in the present, the other in the past; one is the common possession of a rich inheritance of memories, and the other, a common consent, a desire to live together, and the will to help the heritage that each individual has received prevail in the future. The nation, like the individual, is the culmination of a long history of efforts, sacrifices, and devotions. The cult of ancestors has made us what we are. A heroic past, great men...common glories, a common wish to do things together- these are the conditions of being a people (Renan, 1947, I: 903-904).

generation. They are struggling for the "right to difference", that is they protest against the abstract political idea of nation materialized in the centralized state. Emphasis on ethnic differences puts the concept of "patrie" into a central position. This endangers the hitherto existing relation between the political nation and "patrie". The logical outcomes of the possibility of different relationships will be: 1) "Patrie" becomes the core concept and the political nation the sub-concept. 2) "Patrie" is detached from the concept of the political nation.

The first combination points to hard discursive struggles because of the central position of the notion of "patrie" which undermines the importance so of the notion of the political nation as the core concept of the "deep structure". Instead, a German-like "Kulturnation" is peeping out. This new relationship between the political nation and "patrie" might be in the political pipeline because of societal pressure for more room for cultural differences. It can make sense in the domestic political arena because both notions are still inserted into the discourse about national identity, but because of the inversion of the relations it challenges the dominant discourse of the political nation as the core concept.

The second combination is a possibility too. But it is the least possible because of the total decoupling of "patrie" from the political nation. The concept of "patrie" gets the upper hand within the territory. This is complete heresy to political thinking on the identity of the French state-nation. It does not make sense in the republican political arena. But the process is en route. This is due to the fact that still more state-qualities are lifted up to the European level, leaving the political nation in a state of orphanage, no longer leaving that much state for the protection of the political nation, and thereby leaving room for more "patrie". Furthermore, this process is underpinned by increasing regionalisation. The regions want less state and political nation and more "patrie" which implies tendential separation of political and cultural identity. Thus the important question for the future is which discursive routes the pressure upon the hitherto existing relationship between the political state-nation and the cultural "patrie" will take. The discursive struggles between the different ways of linking the concepts of "the deep structure" determine which kind of discourses on immigration will be possible and not possible.

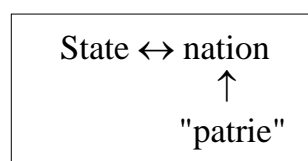


Figure 1: "The deep structure" for all discourses about immigration

The Fear of Multiculturalism

"There are different conceptions. One is based on the right of ethnic minorities, of communities; this is the concept that has been adopted in Anglo-Saxon countries but is also prevalent in Europe, notably in Eastern Europe. The other concept is ours, French but also continental, based on individual adhesion... Those who talk of communities are wrong. It's another way of imprisoning people within ghettos rather than affirming

their right to opinions as individuals". (The former president of the French Council for Integration, Marceau Long, quoted in *Libération*, 19 February, 1991)

The French left and right republicans mistrust the Anglo-Saxon multicultural model, which is regarded as an "ethnicization" of integration (Jenkins and Sofos, 1996:115). An ethnically defined nation will – according to the concept of the political concept of nation – be identical to disintegration of the nation into ghettos each with their own ethnic culture. This process might trigger what is called in France "tribal wars". In October 1992, the periodical *Le Nouvel Observateur* put the question of the risk of tribalism to a number of historians and sociologists. The revealing title of the questionnaire was "The Shattered France. Are we in danger of gradually sliding towards an American model? (*Le Nouvel Observateur*, 12-18 October, 1992) This title implied that the American melting pot model was seriously threatening the political culture of the unified state-nation.

In the dominating discourse of the Socialist party (PS) the relation between the concept of the political nation and "patrie" has since the beginning of the 1980s³ been subject to permanent discursive struggle. The relation between the two concepts has been "denaturalized" in the sense that the relationship has been destabilized. This meant, that the concept of "patrie" has come to occupy a more prominent position in the struggle for leaving more room for cultural differences. Former Prime Minister, Michel Rocard, thus advocated the right to difference which the so-called second generation (les Beurs, i.e. young Arabs) used as a slogan in their demonstrations in the 1980s⁴. The current Prime Minister, L. Jospin, declared at the socialist Congress in 2000 that in fact society is marked by what he called "métissage" (hybridization), i.e. multiculturalism. But at the same time, he stated that the political values should guarantee that people maintain mutual cultural respect (www.ppsinfo.net/entretiens/yamgnane/grenoble). Hence, without a political state-nation, there is no possibility of keeping in check the concept of "patrie"⁵.

Like the socialist discourse, also the liberal discourse of Union for French Democracy (UDF) has manifested the same unstable relationship between the concept of the political nation and "patrie". But because of the liberals' belief in an "open society" that implies less state intervention, the liberal discourse is more prone to give in to the individual right to choose one's own way of life. Therefore control of the construction of identity is a negative concept. Former President V. Giscard d'Estaing (1974-1981), the then leader of the liberal coalition UDF, declared therefore in 1975 that pluralism starts with the recognition of difference (quoted from Silverman, 1992:88). The Former liberal Prime Minister, Alain Juppé stated in July 2001 that integration and pluralism go hand in hand (www.udf.org/presse/interviews/fb).

³ The Socialists and Communists came into power in 1981. For many observers it signified the milestone in the movement toward "ethno-cultural accomodation" (Safran, 1985:41-42).

⁴ Since the end of the 1980s, the second generation do not use this slogan that much. Instead, the right of citizenship and public financing of mosques have come to the fore. Thus, religious difference and political equality go hand in hand.

⁵ The limit of the length of the article does not permit an elaborated analysis of the discourses of each party. For in depth analysis of the discourses of each party see: Silverman, 1992.

Thus, in the integration discourse of the Socialist and liberal parties, multiculturalism is regarded as a transitional form of integration into the political nation.

In the left and right republican discourse multiculturalism is a negative word which is placed in opposition to integration into the political nation (de Wenden, 1999:123). This also applies to the extreme right (The National Front and The National Republican Movement).⁶ But in opposition to the discourse of the right and left republicans, the extreme right discourse essentializes culture. It inverts the relation between politics and culture. Culture is thus something that exists before one becomes a political individual. The foreigner, the immigrants have to "drink", to absorb the spirit of the culture before being permitted to enter the political nation. French identity is represented as a cultural organic body that has been contaminated by the impure blood of the foreigners. In order to "purify" the body of this "virus" one has to raise the "suspension bridge" either by introducing criteria of "national preference", by using the criteria of "jus sanguinis" in granting national citizenship (see: *Jus Soli and Jus Sanguinis: the Relationship between the Political Nation and the "Patrie"*) or by expelling the "others", especially the Maghrebi immigrants, to the other side of the Mediterranean⁷. In the discourse of the extreme Right, a harmonious society will arise and conflicts and differences will only take place in a disharmonious periphery, if the above-mentioned criteria are applied (Huysmans, 1995:56).

The concept of "national preference" signal that different identities might live *beside each other* in parallel communities with clear-cut borders between each other; but they should not live *together*. Thus cultural relativism – which was the mark of the left in the 1970s – serves as legitimization of exclusion in the discourse of the extreme Right.

The culturally defined concept of "patrie" is counter-balanced by the introduction of a biologically defined cultural concept. Culture – common past, customs, language and religion – is no longer something which one can be brought up to, but something which is in the genes, the blood. From "ethnicization" to "biologicalization" there is only a small jump. If the "other" is inherently different to oneself, it is not difficult to transgress cultural relativism ending up with concept of race which is more prone to "securitization" (see: *The Headscarf Affair: an Example of "Securitization" of Secularism*).

Thus delinking the concept of "patrie" from the political nation results in "patrie" being a "floating signifier" which means that the signifier ("patrie") is overburdened with meaning (Torfing, 1999:301). It constitutes both the conditions of possibility and of impossibility for the fixation of meaning. It constitutes the conditions of possibility because it is the "floating signifiers" which constitute the "material" of the partial and temporary fixation of meaning. It constitutes the conditions of impossibility, because

⁶In January 1999 *The National Front* was split into two parties which programmatically are identical. The break-up was due to personal struggles for power.

⁷The withering away of national borders is represented as a treasury to history. Le Pen and the leader of the *National Republican Movement*, Bruno Mégret, both refer to the battle at Poitiers 732 where the French king Charles Martel stopped the Arab invasion from Spain (www.m-n-r.com/site/idees/programme/programme3partie.php3). The victory is represented as a sign of the necessity of frontier struggle against internal and external enemies.

this fixation of meaning only can be partial and temporary because of the polysemy – the overflow of meaning (Torfing, 1999:98). Not being held in check any more by the concept of the political nation, new meanings are inscribed into the concept of "patrie". In this case, it means that "patrie" is made up of both a biological sub-concept and of the cultural relativist one. The other discourses exclude the biologically defined sub-concept, which is alien to the whole construction of the relationship between state-nation-"patrie".⁸ Because of the overflow of meaning, yet another sub-concept is attached to the meaning of "patrie": Christianity. Because "patrie" relates to the notion of a common past, the extreme right can posit Christianity as part of the past. It is easy to do that, because it relates to the words of de Gaulle: "France est la fille aînée de l'église"(France is the earliest daughter of the Church).⁹ Thus the emphasis on the concept of Christianity being a sub-concept of "patrie" constructs a clear-cut line of demarcation to especially Muslims (see: *The Headscarf Affair: An Example of "Securitization" of Secularism*). Thus, ethnicity and religion exclude Muslims from being assimilable.

Religion as an important marker of French identity and as a line of demarcation to the "Other" is in sharp opposition to the concept of secularism which is an inherent element of the concept of the political state-nation. In the discourse of the extreme right both secularism and Christianity are markers of exclusion. Especially Muslims have to take an oath to the republican values in order to prove their adherence to the idea of the separation of state and religion. Hence, the discourse of the extreme right borrows sub-concepts from the concept of state-nation and expands the concept of "patrie" in order to construct a frontier to the "Other" (Obin, Coulon-Obin, 1999).

In real life, an "ethnicization" and a religious differentiation is at work.¹⁰ The Socialist-led coalition government (1997-) suggested for example in spring 1997 the establishment of state-subsidized Muslim university, where French Muslims can be qualified as imams. The intention of this proposition was to prevent the Saudis from financing mosques and Koran-schools. Thus, the initiative is at the political level an outcome of the socialist discourse on integration into the political nation by "nationalizing" Islam, i.e. institutionalizing Islam in various organizations which have to be closely linked to the state policies on integration (Kastoryano, 1996:14).

The state pays for teaching in mother tongues. Furthermore, it finances various associations of immigrants in order to promote cultural and social conscience. These initiatives indicate that a gradual "ethnicization" and religious differentiation is going on in various social spaces. This is tantamount to the introduction of norms of particularism by ways of differentiated procedures for allocation of resources.

The institutionalization of cultural differences is legitimized in the socialist discourse in two ways: as a necessary means to prevent foreigners from becoming a cultural carbon copy of the French and as a means to ease integration into the political

⁸ That is not to say that it does not have a life of its own. At the end of the 1800 and the mid-1900s a biologically defined concept of "patrie" appeared in the discourse of the right and extreme right. This was owing to the struggle between the republicans and the catholics as for the definition of the relationship to the past (*L'Ancien Régime*). In the catholic discourse rootedness in province and Christianity were central with regard to the future, whereas the republican discourse posited the 1789 Revolution as pivotal in relation to the construction of the future.

⁹ This is a reference to the baptism of the Frankish king Clovis in 496.

¹⁰ For example, a "Charter on Muslim Cult" has been adopted (Roy, 1995; Cesari, 1997).

nation. Thus the increasing "ethnicization" and "communitarianism" is the unintended result of opposition to the discourse on assimilation into the political nation and it gives evidence to the fragile balance between the notion of "patrie" and that of the political nation.

Late President Mitterrand's handling of possible tensions between the Arabs and the Jews during the US led Gulf War against Iraq (1991) is an example of this balance. His Prime Minister, Michel Rocard, convened representatives from the two communities in order to prevent them from using verbal and physical violence towards each other during the war. The possible conflict between the two communities was represented as both a threat to national unity and as a possibility of approach between the two communities. In the words of former leader of the Socialist party, Laurent Fabius: "Let us promote dialogue between Arabs and Jews. Let us act in the name of integration. But let us not return to the past when France was only an aggregate of various communities" (quoted from Geisser, 1997:218). Dialogue, yes. But the revolutionary concept of state and nation does not have to be dissolved. If this happens the culturally and partly politically fragmented l'Ancien Régime will re-emerge.

The socialist discourse thus posits dialogue and "balkanization" (aggregate) as binary concepts. Both concepts relate to the question about the relationship between the political nation and "patrie". But whereas discourse on "balkanization" relates to essentialized ethnicity, dialogue relates to negotiations of cultural differences which are not so rooted that they cannot be integrated into the concept of the political nation. But nevertheless, the management discourse of negotiation has a built-in expansion of ethnic demands which belongs to the concept of "patrie". The actual socialist discourse thus represents a process where "patrie" is posited in an ever stronger position in relationship to the political nation.

The dominating discourse about fear of fragmentation of the national territory into various "tribes" thus, since the beginning of the 1980s, has competed with a discourse about the necessity of *controlled communitarization* performed by the state. The former discourse is shared by left and right republicans and the extreme right. The latter unifies the Green Party, the majority of the Socialist Party, and the liberals.

The Immigrant is Inserted into a "Juridification" Discourse

Since the end of the 1970s discourses about immigrants as a threat to French identity have been visible. But they stopped temporarily the first three years of Mitterrand's period in office (1981-1995). From 1981 until 1983 the immigrant was termed as immigrant worker just as in the 1950s-1960s. But in opposition to these times, the immigrant worker was now inscribed into a discourse of social solidarity between French and immigrant workers. This discourse became marginalized from 1983 because of a change of Keynesian economic politics to more liberal economic politics and because of the success of the extreme right in the municipal elections of 1983. Instead the discourse on a threat to identity was reinforced by its relationship to debates on citizenship, legal equalities, right to difference, individual assimilation, communitarianism as means of integration, and especially the role of Islam in the secular state-nation. (De Wenden, 1995:63). All these debates were epitomized in what could be termed a discourse of juridical differentiation of the immigrants, expressed in the words of Mitterrand: "I think it is necessary to distinguish between applicants for

asylum, travelers who are only in France for a few days or months, visa applicants and finally those who are legally in France" (Barats, 1999:48). One more term could be added: "extra-communitarian resident" (Henry, 1994:59). It is a term used since the 1990s in legal documents. The opposite term is of course "intra-communitarian resident".

The above-mentioned terms construct a border between the legal space of Europe and the rest of the world. The "juridification" discourse deepens the above-mentioned binarity by opposing the concept of "legal immigrant" to its logical counter-concepts: the illegal, the "clandestine", the "sans-papier" (without passport and other identification papers). All "extra-communitarian residents" are thus potentially exposed to police raids because it is not written on their back whether they are legal or illegal. The "juridification" discourse has thus a built-in criminalization of the "extra-communitarian" immigrants. Furthermore, the term "illegal" refers to the notion of the furtiveness of the immigrants. This is represented as undermining the social cohesion because the illegals are difficult to find because of their nocturnal border crossings, thus insidiously "infecting" the social body without the knowledge of anybody.

The "juridification" discourse is shared by a wide spectrum of the political parties because it sets up "objective" criteria of how to handle immigration. The socialist and liberal discourse legitimizes the construction of the border between legal and illegal by referring to "objective" criteria which apparently are "cleansed" of discrimination and racialization. The extreme right legitimizes the distinction between the two categories by referring to the possibility of a future harmonious French identity paradise with fixed French identities without disturbing elements. The Gaullists are divided between the two ways of legitimizing the categorization.

The discourse "securitizes" (see: "Securitization" of Immigration) and thereby stigmatizes illegal immigration stressing the link between criminality and illegality. At the political level this leads to a claim for changing the laws of nationality in order to prevent immigrants from becoming French citizens too easily. Thus the linkage between criminality and illegality renders visible the insecurity of a supposed internal order. The feeling of insecurity fosters more insecurity that easily results in "securitizing" the illegal, which in turn results in claims for changing the laws of nationality in order to reestablish order.

Jus Soli and/or Jus Sanguinis: the Relationship between the Political Nation and "Patrie"

The legal reflection of the notion of the political nation is the emphasis on the concept of *jus soli*, rather than *jus sanguinis*, that is, birth and residence in France, and adherence to republican principles, rather than descent from French ancestors, in the granting of French nationality (Safran, 1991:221). But the French Codes of Nationality are in reality a mixture of *jus soli* and *jus sanguinis* and have been so ever since Napoleon (de Wenden, 1995:59).¹¹ The codification is thus a balance between the

¹¹ Since 1968, the Algerians have 1968 "double *jus soli*". It signifies that if an Algerian is born in France having a parent born in Algeria before 1962 (year of independence), the child is automatically French and Algerian. This is due to the fact that Algeria during the colonization was an administrative part of France. But in other ways they are discriminated in comparison to other foreigners. A child born in France by Algerian parents living in Algeria have no rights to stay in France permanently if

notion of the political nation and that of "patrie" (common past, cultural heritage, rootedness).

The Code of Nationality has been changed numerous times since 1851. The greatest change took place in 1993 by the adoption of the so-called "Pasqua-laws".¹² Both before and after the adoption a heated debate was going on amongst the right and the left politicians and outstanding intellectuals.¹³ The left republicans' discourse represented the laws as violation of the principle of universalism, i.e. the ideal principle that everybody can be French when born in France (Naïr, 1997). The former Code of Nationality stipulated that children born by foreigners but having residence in France automatically are granted citizenship at the age of 18. It was especially this automatic process which became contested because of suspicion of the Muslims' (read: Algerians) will to integration. In the discourse of the right republicans, the idea of a solemn and formal declaration – an American-style oath of allegiance to the French state-nation – became the nodal point. The majority of the parties did not put into question the principle of *jus soli*. The Left only wanted the principle to be the only one for becoming French citizen. But the Left borrowed elements of former right-wing discourses (back to *L'Ancien Régime* by underlining the priority of the concept of "patrie") in its defense of the expansion of the *jus soli* (de Wenden, 2000). It underlined the affiliation to specific region, locality and history. Hence, they put the concept of "patrie" in a privileged position. At the juridical level it was linked to *jus soli* which is a contradiction in terms, but it manifests the unstable relationship between the concept of the political nation and "patrie".

The parties on the right won the struggle for changing the Code of Nationality. The pessimistic view on the Muslim capability of integration got the upper hand. This resulted in the promulgation of the Pasqua-laws (1993), implying an annulment of granting automatic citizenship to children born in France by foreign parents. Between their sixteenth and twenty-first year they now had to show up at the police station to declare that they wanted to be French citizens. Citizenship was granted if they had a clean criminal record or "only" a sentence up to six months.¹⁴ Thus the code was an expression of the fragile balance between "ethnicization" (i.e. criminalization of certain ethnic groups) and the values of the political nation.

Some parts of the Pasqua-laws were changed immediately when the socialist-led government came into power in 1997. Automatic citizenship was again granted to children born by foreigners – at the age of eighteen (www.admi.net/cgi-

they only have a visa of three month. This discrimination is maybe going to be abandoned because of a governmental proposal of a supplementary clause which will considerably ameliorate conditions for entrance, working and staying in France (*Le Monde*, 28th of July, 2001, p. 6).

¹² Charles Pasqua: Former right-wing Minister of the Interior (1993-1995).

¹³ In 1986, when Jacques Chirac was Prime Minister and Mitterand President (the first so-called cohabitation), Chirac tried to change the Code of Nationality. A state report proposed that nationality should be a voluntary request and not an automatic right (Silverman, 1992: 146). But Chirac dropped the proposal because of fierce opposition.

¹⁴ The new Code furthermore "decolonized" the relations to former and actual colonies. The inhabitants could no longer automatically get citizenship. This decision was quite logical in relation to the general suspiciousness towards "extra-communitarians" even if they "belong" to the French Metropolitan territory.

bin/adminet/article). The new law reintroduced the right for children, born by Algerian parents (born themselves before 1962) to become French citizens.¹⁵

The heated debates on the Code of Nationality stem from the attempt at materializing the ideal of the political contract. Because of the close relationship between the concept of the political nation and that of the "patrie" it is impossible to establish only *jus soli* as the only criterion for citizenship. But nevertheless, both right and left republican discourses refer to republican values (political contract) as the fundamental pillars of the "exceptionality" of the French state-nation. But in the right-wing discourse, republicanism has materialized in an oath to the Republic because of mistrust of the "Muslim Other". Many left republicans are not at all foreign to that idea because they even more than other parties cherish the principle that the citizen actively has to manifest his/her allegiance to the political values: "the nation is a daily plebiscite".

The extreme right balances on a tight rope between the normal relations between the political state-nation and "patrie" and an inversion of the relations. This is very evident in their programs where both the *National Front* and the *National Republican Movement*¹⁶ require on the one hand *jus sanguinis* as the only criterion for obtaining citizenship – i.e. "patrie" is what counts for obtaining citizenship – and on the other that naturalization is equated with taking an oath on the Constitution (www.m-n-r.com/site/idees/programme; www.front-national.com/programme/axes). Underlining the latter condition for naturalization the extreme right is in line with the discourse of the right and left Republicans.

The struggle between the different discourses will certainly continue and might even become fiercer if the Maghrebi states "produce" still more immigrants. But it is unlikely that the discourse of the extreme right becomes dominant because of the historically rooted "exceptionality" of the French concept of the political state-nation. At the juridical level it is likely that the fear of immigration will result in a further tightening of control at the borders, in the issuance of visas and the search for "clandestines" – illegals. But these policies do not in themselves change the relationship between the concepts. Many means of control are available at the political level which do not basically change the deep codes of the concept of the political state-nation.

"Securitization" of Migration

The term "securitization" is derived from the term "security". This neologism has been invented by the co-called Copenhagen School represented by especially Ole Wæver. The theory of "securitization" operates with "security" as a speech act: "Security is a speech act, a discursive practice through which a condition of insecurity is identified, threats are pointed out, and an object of security is constructed. In *naming a certain development a security problem, the state can claim a special right*. It is thus only from the moment when somebody – mostly the political elite – claims that something

¹⁵ Called the *Guigou-laws* according to the name of the Minister of Justice.

¹⁶ The insertion of the term *republican* in naming the party, indicates the importance of making reference to the shared codes. Doing so, the Party tries to attract adherents who are scared of le Pen's "biologicalization" of the concept of "patrie".

is threatened, that an issue becomes a question of security concern." (Wæver, 1995:54). Security is not in the theory of "securitization" a question of objective threats. For example, whether immigrants are or are not a threat in terms of their number on a specific territory is a question about a political choice of how to deal with an issue.

Immigration is "politicized" when taken out of the private realm and placed on the public agenda in the form of discussions about the allocation of public resources, new legal rules etc. "Securitization" can be considered as a more extreme version of "politicization". When an issue is "securitized" it is conceived of as a matter of emergency, requiring extreme measures in order to cope with the exigencies of the situation. In the event of "securitization", some valued object is presented as existentially threatened, which calls for measures that by-pass the "normal" rules of the political game. But "securitization" is not fulfilled by only breaking rules (this can take many forms) nor solely by existential threats (they can lead to nothing) but by cases of existential threats that legitimize breaking rules.

The main question with regard to "securitization" is who can speak security successfully, on what issues, under what conditions and with what effects? (Buzan, Wæver, 1995).

Many different actors can make use of the "security move", but there are only a relatively limited number of possible "referent objects" (Wæver, 1995:67). Wæver suggests a theory of a duality of state security and societal security. While survival for a state is a question of sovereignty, survival of society is a question of identity. A state that loses its sovereignty does not survive as a state; a nation that loses its identity fears that it will no longer be able to live as itself. The question about security involves therefore in this theory many kinds of threats, among which mass migration is identified as a threat to the societal identity.

If this theoritization of the state and nation as different referent objects for "securitization" is analytically correct, the hitherto dominating political concept of the oneness of the French state-nation is endangered. Furthermore, if parts of the functions of the state are withering away by being lifted up to the European level, the nation is left alone on the territory thus having to defend its identity by itself. Wæver suggests that this defense will be done through culture (Wæver, 1995:68). In the French case, this means that the concept of *Kulturnation* (identical to "patrie") replaces the concept of the political nation. Thus, successful "securitization" of immigration together with the call for more "right to difference" might involve a break-up of the relationship hitherto between the concept of the political state-nation and "patrie". This is hard believable because the building blocks of "the deep structure" is profoundly cemented in French political culture. That does not mean that it cannot change. But it means that it is difficult to change. Not everything can be said or done. A "securitizing" statement about immigrants being so threatening that they have to be excluded from the territory on the basis of the concept of "patrie" (*Kulturnation*) will not be successful. This is due to the dominating discourse on the French capacity to integrate on the basis of the concept of the political state-nation. But the increasingly unstable relation between the concept of the political nation and "patrie" leaves more room for a "securitizing move" on immigration, i.e. a process of constructing of immigrants as threatening French

cultural identity, especially with regard to the relation between religion and secularism.

The Headscarf Affair: an Example of "Securitization" of Secularism

"L'État laïque est, pour chacun, la seule garantie d'une libre relation avec le sacré; il sort de sa propre définition lorsqu'il refuse de prendre en compte le sacré" (Pisani, 1989). (secularism is for everyone the only guarantee for a free relationship with the Sacred; it deviates from its proper definition if it refuses to take the Sacred into account).

"France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs" (Constitutional Law, Article 2, June 1958).

On January 21, 1792, the King was decapitated and the death of the king resulted in the birth of the nation. Popular sovereignty replaced the King's two bodies (otherworldly and earthly). Hence, transcendental sacrality became transformed into immanent sacrality: the embodiment of the sacred nation in a national body incarnated in the state. Immanent sacrality (Addi, 1999-2000:35) replaced the former royal transcendental sacrality.

In the Revolutionary discourse the sacred body of the people became linked with secularism because it represents the earthly faith in people and thereby the political nation. Thus, faith in secularism has become a kind of "sacralized" immanence. Being sacralized,¹⁷ secularism is perceived as untouchable. It is a kind of holy object that has to be safeguarded at the invisible holy place: the state-nation. Nobody enters this place without having genuflected before secularism.

France was the first of all European countries to put into effect the fundamental dissociation between citizenship and confession. The Third Republic (1875-1939) effected a more radical separation than any other states. Thus, since 1872, no statistics, no census have mentioned the religion of the citizen. In 1905, the state was divorced from the church. Religion became juridically a private matter, not a public one. Hence, the state is not obliged to offer any religious education in the public school system. Schools have to socialize and nationalize, not "confessionalize". Therefore, no religious symbols are allowed on school buildings (or any other public buildings). Instead, Marianne – as a symbolic representation of the fusion of the secular state and nation in the form of the republic – has replaced the crucifix.

¹⁷ In the discourse of the *National Republican Front* (extreme right) the term *retour du sacré* (return of the sacred) has a central position with regard to the construction of a line of demarcation to Islam. The "sacred" is Christianity. Thus the reintroduction of the transcendental sacred into the definition of what constitutes the concept of "patrie" endangers the secular concept of the political state-nation incarnated in the worldly republic. But the return of the past, i.e. Christianity as identity marker, is held in check by the notion of the *Republican Front*. The extreme right turns the argumentation upside down: because the republic is secular, it has to guarantee that Christianity is a constitutive feature of "patrie". Hence, the republican state-nation has to remain secular i.e. post *Ancien Régime*. But it has to "securitize" Christianity of *Ancien Régime* manifested in the rootedness of "patrie".

The term secularism is a contested concept. A French researcher wrote about the ambiguity of the concept: "the great paradox of our concept of secularism is that it permits everything and the opposite of everything"(quoted in Motchane, 2000:23). This is owing to its status as a "nodal point", that is the privileged discursive point that partially and temporarily stabilizes the production of meaning (Torfinn, 1999). The concept of secularism comprises many different meanings which are articulated differently in the right and left republican discourses and in the extreme right-wing discourse. The discourses posit the elements of the concept in different orders thus opening up for "floating meanings" which each discourse tries to stabilize by ways of a "hierarchization" of the different sub-concepts ordered into chains of equivalence and difference. The discursive identities are thus inscribed both in signifying chains that stress their differential value, and in signifying chains that emphasize their equivalence. The tension between the differential and equivalential aspects of discursive identities is unresolvable, but political struggles may succeed in emphasizing one of the two aspects (Laclau and Mouffe, 1985:51).

The order of the chain of equivalence and difference in relationship to the concept of secularism is normally organized as follows (Motchane, 2000:13-27): Future-past; reason-obscurantism; progress-regress; equality-subjection; public-private; freedom of conscience – fetters of conscience.

The first sub-concept of each couple constitutes the chain of equivalence that tries to stabilize the meaning of secularism. The other one constitutes the chain of difference that gives meaning in relation to the first concepts. The binarity relates to the opposition that the republicans has constructed in relation to L'Ancien Régime. L'Ancien Régime is regarded as the time of obscurantism because faith and state were linked in the two bodies of the King. Faith and not reason guided the behavior of the subject. The counter-concepts: reason, and freedom of conscience (Enlightenment) guarantee against the return of the past. Thus, the past structures the present and the future. If one does not adhere to reason and freedom of conscience, there is a high risk of the return of the past in the form of a return of religion as a public matter, which will undermine the revolutionary notions of equality, liberty and fraternity.

The conceptual problem of these chains is that neither is any priority of the concepts constructed, nor is it clear whether all the sub-concepts that define secularism have to be "present" in the discourse on secularism. If a discourse posits equality as a nodal point of a definition of secularism, i.e. equality before the law, does that necessarily mean exclusion of girls wearing headscarves at school? "Public" what does that mean? Does it only get meaning by being posited as an antagonism to private? How to define the line of demarcation between the two spaces, as Françoise Lorcerie writes in an excellent article (Lorcerie, 1994).

A prominent socialist declared in 2000 that "secularism is identical to freedom of conscience. Without that liberty loses its authenticity. Without that, political equality becomes fictive and conditional" (www.psinfo.net/entretiens/emmanuelli/grenoble). But this statement does not fix the meaning, either. On the contrary, it opens up for a definition of "freedom of conscience". A faithful Muslim would answer that his freedom of conscience demands five prayers a day in the public realm when working or going to school.

Binarity was supposed to close the meanings. But on the contrary a surplus of meaning is always there. Thus it is a question of the negotiating power of the different discourses to temporarily fix the meaning of the concept of secularism. This difficulty in stabilizing the meaning of secularism was evident in the discussion about wearing headscarves at school.

In 1989 – the year of the fall of the Berlin Wall – France became engaged in a heated debate about three Muslim girls' right to wear a headscarf at school. Being a transcendent God (Allah) need to be (re)presented in a material world (Laustsen and Wæver, 2000:718). It can be by means of rituals (for example, the five daily Muslim prayers), social codes (for example, halal-meat, the headscarf). It was the headscarf and not halal-meat which became "securitized". But why is precisely the headscarf a threat to secularism? Could it not have been halal-meat as a materialized sign of Muslim faith? In principle, yes. American hamburgers are for example very often represented as a threat to "la cuisine française". But Mediterranean "stuff" has for many centuries been integrated into French cooking because of the colonial past. Thus halal-meat is not represented as something threatening as in Denmark where identity is placed in a meatball. (Frello, 2002)

The girls were excluded from school. This decision meant that secularism became "securitized" because a sign of Muslim faith was perceived as an existential threat to the separation of faith and reason. The sign of faith was represented as undermining the cohesion of state and nation by putting into question the existence of the concept of secularism which links together the notions of liberty, equality and fraternity, which on their part are *the* marker of the political state-nation. Thus, the removal of the concept of secularism from the concept of the political state-nation is represented as a security threat to the survival of both state and nation (Motchane, 2000:37). This is to be understood in terms of "We will no longer be us, i.e. Frenchmen, if secularism is not any more tied to the state-nation. If we do not exclude the girls from school, secularism and the state-nation will not survive".

The discussions were so heated that the government made the choice of appealing to the Constitutional Council for a decision. To a certain extent, the council "desecuritized" the problem by announcing that "freedom of conscience comprises the right to express and to manifest religious faith at school with all due respect for pluralism and individual freedom but without being detrimental to school activities, programs and assiduity" (quoted from Lorcerie, 1994:271). Thus on the one hand, a "desecuritizing move" of the represented symbol of Islam, the headscarf, was made in the name of the concepts of individuality and pluralism, the latter being the expression of the former. On the other hand, "a securitization move" was made: a warning against cultural and religious turmoil was issued. Thus, the state mixed two discourses: the pluralist integration discourse and the unifying republican discourse. At the political practice level, this mixture indicates that each principal has to assess whether a headscarf should be considered a threat or not to secularism and order. The tension inside the socialist pluralist discourse between "securitization" and "desecuritization" was thus not solved at the political level. But the "securitization moves" were held in check by the "desecuritization moves" which were linked to the concept of equality that is one of the most important concepts of the political state-nation. The Prime Minister, Jospin, for example legitimized the decree by saying that exclusion of the

girls from school would signify the abandonment of the notion of equality (Silverman, 1992). The mixture of "securitization" and "desecuritization" became even more evident in 1994 where the right-wing government issued a decree which prohibited "ostentatious religious signs at schools", but it was once more left to each school to interpret what is ostentatious. This ambiguous decree made the French researcher, Riva Kastoryano, declare "that it is at the local level that the forces of power between the law of the Republic and that of the Koran take place. The former being incarnated by society (nation). The latter by community" (Kastoryano, *Le Monde*, 15-16, December, 1996).

The tendential delinkage of secularism from the concept of the state-nation questioned the level at which level secularism has to be defended or whether it has to be defended. The unifying republican discourse and the discourse of the extreme right "securitize" the survival of secularism and thereby of the concept of the political state-nation that is defined by secularism. Defense hereof demands use of extraordinary means: exclusion of the girls from school in order to save the state-nation.

Conclusion

The question is therefore whether the different discourses will "securitize" secularism in the future. If secularism is "securitized" successfully the effect might be suppression of all signs of Muslim faith in the public space (prayers, veil, halal etc.). Furthermore, a closing down of frontiers to Muslim immigrants might result from the "securitization" because Muslim immigrants will be represented as a threat to the survival of the French political and secular state-nation. It is very unlikely that this scenario will be dominant. But both right and left republicans consider secularism to be threatened by Islam. On the other hand, many Maghrebi fundamentalist Muslims consider Islam to be threatened by the unitarian secular and political state. They "securitize" Islam by saying that something extraordinary has to be done in order to save their religion. These "securitizations" risk becoming even more malign if "patrie" (Kulturation) is delinked from the political state-nation. A constructed common religious past, be it Christian or Muslim, will not be kept in check by common political republican values. But, as the article argues, this is rather unlikely to happen because it involves a break-up of the sedimented "deep structure" of the relationship between the political state-nation and "patrie". But the process is there.

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The Impact of the Concepts of State-Nation and "Patrie" for Discourses on Immigration.

